

**PUBLIC COPY**

**U.S. Department of Homeland Security**

**Bureau of Citizenship and Immigration Services**

identifying  
prevent  
invasion

eted to  
anted

*[Handwritten signature]*

ADMINISTRATIVE APPEALS OFFICE  
425 Eye Street N.W.  
BCIS, AAO, 20 Mass, 3/F  
Washington, D.C. 20536

File:  Office: TEXAS SERVICE CENTER

Date: **AUG 15 2003**

IN RE: Petitioner:  
Beneficiary:



Petition: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:



**INSTRUCTIONS:**

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, Texas Service Center. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be dismissed.

The petitioner seeks classification as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(4), to perform services as a youth minister.

The director determined that the petitioner had not established that he had the requisite two years of continuous work experience as a youth minister immediately preceding the filing date of the petition. In dismissing the appeal, the AAO concurred with the director's finding and also found that the petitioner had not established that the church had made a qualifying job offer to the petitioner or would be able to pay his salary.

On motion, the petitioner makes no attempt to dispute the AAO's finding. He states "I am completely conscious that in the moment that I made my petition, two years ago, I didn't qualify for the Special Immigrant Religious [worker] visa." The petitioner submits photographs of himself with his church youth group, as well as copies of recent church youth group newsletters, showing that he now works at the International Bible Center; the initial filing indicated that the beneficiary would work at Iglesia Puerta de Salvacion. The petitioner states "[b]y looking at these photos you will be able to see what I am doing with the youth of this country through my ministry. If God moves your heart and shows you that I am useful person for this country, I ask that you please permit me to continue with my ministry."

8 C.F.R. 103.5(a)(3) states, in pertinent part:

A motion for reconsideration must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy . . . [and] must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

While we do not deny the sincerity of the petitioner's wishes, or the motivations underlying those wishes, the law is clear in the terms that an alien must satisfy in order to qualify for immigration benefits as a special immigrant religious worker. The petition was denied not because there was any question about the petitioner's commitment to his work, but because he had not met the legal conditions necessary to qualify for the benefit. In this instance, the petitioner has acknowledged that the AAO's previous decision was correct. The petitioner has not demonstrated or even claimed any errors of law or fact in the AAO's decision, and therefore that decision must stand.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. That burden has not been met, as the petitioner has again not provided any new facts or additional evidence to overcome the AAO's previous decision. Accordingly, that decision will not be disturbed, and the motion will be dismissed.

**ORDER:** The motion is dismissed.